

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ARMANI MCCRAY,)
)
)
Plaintiff,)
)
v.)
) 1:23-cv-870
TEONNA BROADY, FNU SAMPSON,)
FNU RANSOM, FNU TIMMONS,)
FNU HARGROVE, and FNU
MITCHELLE,)
)
Defendants.)

ORDER

On November 12, 2024, the United States Magistrate Judge's Order and Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 17, 18.) Plaintiff was previously advised of his right to file a response to the motion to dismiss and of the potential consequences of his failure to respond. (Doc. 16; Doc. 17 at 3-4.) Defendant did not respond. As a result of Plaintiff's failure to respond, in the Recommendation, (Doc. 17), the Magistrate Judge directed Plaintiff to file a Notice of Intent to Proceed by November 30, 2024, confirming that he does intend to proceed with this case. (See Doc. 17 at 4.) Furthermore, the Magistrate Judge advised Plaintiff that "if he fails to file a Notice of Intent to Proceed, the Court will recommend that the case be dismissed

without prejudice for failure to prosecute and failure to comply with this Order." (Id.)

Having reviewed the record, Plaintiff has not filed a response to the motion to dismiss, a Notice of Intent to Proceed, nor have objections been filed within the time limits prescribed by Section 636. Therefore, the court need not make a de novo review and the Magistrate Judge's Recommendation is hereby adopted.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 17), is hereby **ADOPTED**. **IT IS FURTHER ORDERED** that this case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and failure to comply with the Magistrate Judge's Order and Recommendation, (Doc. 17).

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss (Doc. 14) is **DENIED WITHOUT PREJUDICE** as **MOOT**.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 27th day of December, 2024.

William L. Osten, Jr.
United States District Judge